

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM HARPER WALKER,

Plaintiff,

v.

GERALDINE M. MARSHALL,

Defendant.

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Civ. No. 18-1082-RGA

William Harper Walker, Dover, Delaware. Pro Se Plaintiff.

MEMORANDUM OPINION

October 12, 2018
Wilmington, Delaware


ANDREWS, U.S. District Judge:

Plaintiff William Harper Walker proceeds *pro se* and has been granted leave to proceed *in forma pauperis*. This action was commenced on July 23, 2018 and invokes the jurisdiction of this Court by reason of diversity of citizenship of the parties. (D.I. 2). Plaintiff requests counsel. (D.I. 4). The Court proceeds to review and screen the Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

The Complaint concerns the death of Robert Franklin Walker and Defendant Geraldine M. Marshall's petition to be appointed personal representative of the Robert Franklin Walker estate. (D.I. 2). The matter is currently in probate in the Circuit Court of the State of Oregon for Lane County. (See D.I. 2-1). The Complaint seeks no relief and alleges no injuries. (D.I. 2 at 7).

The Court perceives no basis for jurisdiction. The Complaint concerns probate matters. While Plaintiff invokes diversity jurisdiction, the requirements have not been met. The Complaint alleges that both Plaintiff Walker and Defendant Marshall are residents of the State of Delaware. They appear to be citizens of Delaware. There is no prayer for damages. Hence, the requirements for diversity jurisdiction have not been met. See 28 U.S.C. § 1332(a)(1) (for diversity jurisdiction the matter in controversy must exceed the sum or value of \$75,000, exclusive of interest and costs and is between citizens of different States).

For the above reasons, the Court will dismiss the Complaint for lack of subject matter jurisdiction. Amendment is futile. Plaintiff's request for counsel will be dismissed as moot. (D.I. 4).

An appropriate order will be entered.